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REMARKS

Claims 1-20 remain pending in this application. In reply to Applicants' response filed September 22, 2003, all previous grounds of rejection have been withdrawn. Claims 1-20 currently stand rejected on new grounds of rejection based on newly cited prior art. Further reconsideration of this application is requested.

The new rejection of claims 1-3 and 13-19 under 35 U.S.C. § 103(a) as being unpatentable over Thomas (U.S. Patent No. 6,567,101) in view of Silverbrook et al. (U.S. Patent No. 6,405,055) ("Silverbrook") is respectfully traversed.

Claim 1 sets forth an image capturing device, comprising a display that includes a graphical selection indicator that is capable of being moved in the display, to select from among a plurality of displayed icons. An acceleration sensor detects acceleration motion of the device along at least one axis and generates a responsive acceleration signal, which is used by a processor to move the graphical selection indicator in the display.

As correctly stated in the Office action, Thomas discloses a digital information appliance, such as a wireless phone with integrated organizer or electronic book, which presents information on a display. Thomas discloses that the display of data may be manipulated on the display, such as by moving the data across the screen by scrolling, controlling display of a cursor, or enlarging or reducing the size of the data being displayed. Thomas states at col. 4, ll. 39-46 that the digital appliance may use an accelerometer to detect acceleration of the appliance and therefore rotation of the appliance to control scrolling of text across the display screen.

However, Thomas does not disclose or suggest a display that includes a graphical selection indicator that is capable of being moved in the display, to select from among a plurality of displayed icons, where a signal from an acceleration sensor is used to move the graphical selection indicator in the display. While the Office action has provided a citation to Thomas to support the assertion that Thomas discloses use of an accelerometer, the Office action provides no citation, and Applicants have found none, that supports the allegation that Thomas discloses "a processor for receiving the acceleration signal and moving a graphical selection indicator based on the

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acceleration signal." In fact, Thomas does not disclose any such processor or display having selectable icons that are selected by a graphical selection indicator. Thomas discloses only the rotation, scrolling, or adjustment of size of displayed text on a display screen. See Figs. 1A-7. If the Examiner disagrees, he is requested to provide a pinpoint citation to the Thomas disclosure to support the position taken in the Office action. In this regard, it is emphasized that a cursor does not constitute a graphical selection indicator for selecting from among a plurality of selectable icons. A cursor instead simply indicates a position on a display screen at which text may be entered using a keyboard.

Silverbrook is cited in the Office action for its disclosure that a mobile telephone may be equipped with a camera device for capturing images. Silverbrook, however, fails to cure the fundamental deficiency of Thomas with respect to the requirements of the claimed invention. Consequently, even if Thomas were modified to include a CMOS camera as proposed in the Office action, the invention as set forth in the pending claims still would not be achieved.

The rejection of claims 1-20 as being unpatentable over Feinstein (previously of record) in view of Thomas and Silverbrook, also is respectfully traversed. As already explained in the September 22, 2003 response, Feinstein discloses a hand-held display device with navigation, wherein an orientation sensor is responsive to changes in the spatial orientation at which the device is held by a user, such that the stored display content is scrolled with the display space. In this regard, the relevant disclosure of Feinstein as it may pertain to the present invention is duplicative of the Thomas disclosure, in that both Feinstein and Thomas disclose only the manipulation of displayed data on a screen, such as scrolling of text, and neither discloses or suggests use of acceleration sensors to move a graphical selection indicator in order to select a selectable icon in a display space, as taught by the present invention. Accordingly, no combination of Thomas or Silverbrook with Feinstein would result in the claimed invention.

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Conclusion

In view of the foregoing, claims 1-20 are submitted to be patentable over the prior art of record, whether considered individually or in combination. Withdrawal of the outstanding grounds of rejection and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 08-2025.

RESPECTFULLY SUBMITTED,					
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